

REMARKS

In accordance with the foregoing, neither the specification nor claim has been amended or cancelled. Claims 1-31 are pending and under consideration.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1-5, 7-10 and 12-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald (U.S. Patent No. 5,984,990) in view of the Masaaki (Japanese Patent Publication No. JP 08182541). This rejection is respectfully traversed.

The Office Action acknowledges that McDonald fails to disclose the blowing unit and the filtering unit are slidably insertable and removable from the cabinet (see Action page 2) but alleges that Masaaki discloses a filter at a desk [sic duct] with air cleaner wherein that the blowing unit and the filtering unit (13) are slidably insertable and removable from the cabinet. Furthermore, the Office Action sets forth that "it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the fan casing of McDonald to be slidable on the guide rails as taught by the Masaaki in the air cleaning apparatus of McDonald so that it would be easier to provide access to the fan casing for maintenance or routine check-out of the fan."

It is submitted that Masaaki fails to disclose "a blowing unit which is slidably insertable and removable from the cabinet" as recited in claim 1. Masaaki discloses a frame body 12 with a filter 13 which can be inserted and removed via rail means 18 into a duct. However, the blower unit, in this case a sucking fan, is not present in the frame body assembly. As particularly stated by Masaaki, "... a duct 4, to which a sucking fan is fitted, ..." (Abstract). That is, the blower is elsewhere and there is no teaching concerning "a blowing unit which is slidably insertable and removable from the cabinet" as in claim 1 of the present application.

As a general matter, in order to establish a prima facie obviousness rejection, the Examiner needs to provide both the existence of individual elements corresponding to the recited limitations, and a motivation to combine the individual elements in order to create the recited invention. Both the individual elements and the motivation need to be shown to have existed in the prior art. Should the Examiner fail to provide evidence that either one of the individual elements or the motivation does not exist in the prior art, then the Examiner has not provided sufficient evidence to maintain a prima facie obviousness rejection of the claim. MPEP

2143.03.

Thus, the burden is initially on the Examiner to provide evidence as to why one of ordinary skill in the art would have been motivated to combine the individual elements to create the recited invention, and to demonstrate that this evidence existed in the prior art.

As an example, MPEP 2143.03 refers to *In re Koltzab*, 55 USPQ2d 1313 (Fed. Cir. 2000). In *In re Koltzab*, the Federal Circuit agreed with the Patent Office and the Examiner that the prior art, as a whole, disclosed each of the individual elements of the recited invention, which was an injection molding machine. However, the Federal Circuit held that “a rejection [for obviousness] cannot be predicated on the mere identification in [one of the prior art references] of individual components of the claimed limitations.” Instead, the Federal Circuit held that “particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.” *Id.* at 1317. As such, in order to establish a prima facie obviousness rejection of a claim, the Examiner needs to both provide this particular evidence of the motivation to make the combination, and show that this evidence existed in the prior art. MPEP 2141.03.

As mentioned above, it is respectfully submitted that none of the McDonald or Masaaki patents, separately or combined, teach or suggest the air cleaning apparatus as recited in independent claim 1. Accordingly, withdrawal of this rejection and allowance of independent claim 1, and claims 2-5, which depend therefrom, are earnestly solicited.

In addition, for at least a similar rationale, it is respectfully submitted that claims 7-10 and 12-31 are also in proper condition for allowance.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald (U.S. Patent No. 5,984,990), in view of the Masaaki (JP Patent Publication No. 08182541), and further in view of Rosen (U.S. Patent No. 5,525,136). This rejection is respectfully traversed. In particular, the Examiner has pointed to the “multilayered filtration in the filter casing” (see Action page 3). Claim 6 addresses this feature but claim 11 does not. However, claim 16 addresses this feature. It is suspected that the Examiner intended to reject claims 6 and 16 and the response herein so assumes.

The Office Action notes McDonald fails to disclose “the blowing unit and the filtering unit are slidably insertable and removable from the cabinet.” recited in claim 1.

Rosen fails to disclose “a net structure with large meshes” recited in claim 6 and claim 16. Furthermore, Masaaki fails to disclose a blowing unit which is slidably insertable and removable from the cabinet as recited in claim 1/6.

Accordingly, it is respectfully submitted that none of the McDonald or Masaaki or Rosen patents, separately or combined, teach or suggest the air cleaning apparatus as recited in independent claim 6/1 or 16. Accordingly, withdrawal of this rejection and allowance of claim 6, and independent claim are earnestly solicited.

CONCLUSION:

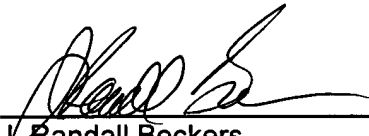
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 4/8/5

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